IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 277 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/12/2003 in WP NO : 13919 OF 1997 on the file of the High Court.)

Between:

Smt.S.Nagaratnamma, w/o S.Ramchandra Reddy,
r/o Mahabubnagar District Proper

..... APPELLANT/R3

AND

1 Totapalli Venkateswara Sharma, s/o Laxmaiah,
r/o H.No.1-3-151, New Town Mahabubnagar.
2 Balakrishna Sharma, s/o Laxmaiah,
r/o H.No.1-3-151, New Town Mahabubnagar,
3 The Joint Collector, Mahabubnagar District
at Mahabubnagar District proper.
4 The Revenue Divisional Officer, Mahabubnagar Division,

Mahabubnagar.
5 S.Narsimha Reddy, s/o S.Ramchandrareddy,
r/o Mahabubnagar District proper.
6 S.Mahender Reddy, s/o S.Ramchandra Reddy,
r/o Mahabubnagar District Proper
7 Totapalli Narasimhaiah, s/o Ramchandraiah,
r/o H.No.4-9-61, Brahmanwadi, Mahabubnagar.
8 Totapalli Krishna Murthy, s/o Ramchandraiah,
r/o H.No.4-9-61, Brahmanwadi, Mahabubnagar.

(Respondents 5 to 8 are not necessary parties since they

were ex parte and did not contest the petition.

Hence, no notice is necessary)

.....RESPONDENTS

Counsel for the Appellant:MR.K.MAHIPATHI RAO
Counsel for Respondents 1& 2:Mr.M.Rama Rao (Not present)
Counsel for the Respondent Nos.3&4 : GP FOR REVENUE

The Court made the following :

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the appellant.

Learned Single Judge has remanded the matter to the original authority on the ground that the writ petitioners had not been summoned before the impugned order was passed. This is not disputed even by the learned counsel for the appellant. The only contention raised by him is that although it is a fact that the original authority had not summoned the writ petitioners, but in the appeal, they had raised all the contentions and the appellate authority had not agreed with them, therefore, whatever they may say before the original authority had been said by them before the appellate authority. Hence, remanding the matter would be an exercise in futility.

This argument has to be rejected simply on the ground that what an original authority is supposed to hear, cannot be allowed to be heard by the appellate authority for the first time. In the process, the party loses even the right to appeal. Different foras are provided by law in order to ensure that the orders are passed carefully. What is the job of an original authority is not the job of an appellate authority. Therefore, in our view, the learned Single Judge's order cannot be faultered. The orders of the original authority as well as the appellate authority are quashed. The matter is remanded to the original authority. The original authority may decide the matter within a period of six months from the date of receipt of a copy of this order.

The writ appeal is accordingly dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

10th June, 2005

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(Dr.G.Yethirajulu,J)

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To

1 The Joint Collector, Mahabubnagar District
at Mahabubnagar District proper.

2 The Revenue Divisional Officer, Mahabubnagar Division, Mahabubnagar.

3 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies.